

## FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

## DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. House Resolution (HR) 2646 was passed by the United States House of Representatives and the United States Senate and signed by the President of the United States on May 13, 2002. HR 2646 has been designated Public Law 107-171, the Farm Security and Rural Investment Act of 2002. This Act contains the Food Stamp Reauthorization Act of 2002, which legislates mandatory changes to the Food Stamp Act of 1977. The State of California's Food Stamp Program (CFAP) regulations must implement these changes effective April 1, 2003. These mandatory changes to the Food Stamp Program restore federal eligibility to legal non-citizens that have been in the United States for five years.
2. The statutory changes to implement this provision of the Food Stamp Reauthorization Act of 2002 must be completed by April 1, 2003. Without these regulations in place by this date, California would be out of compliance with federal law. Additionally, California may risk incurring additional expenses by not converting the eligible CFAP recipients from state-only benefits to federal benefits.
3. State law requires that CFAP be in conformity with federal law for the Food Stamp Program. Therefore, without these regulations in place effective April 1, 2003, CFAP would not be in compliance with State law.
4. The nonemergency rulemaking process, as defined in the Administrative Procedures Act would not allow these regulations to be implemented by April 1, 2003.

## INFORMATIVE DIGEST

On May 13, 2002, Public Law (P.L.) 107-171, also known as the Farm Security and Rural Investment Act of 2002, was signed into law. This Act contains the Food Stamp Reauthorization Act of 2002 which legislates mandatory changes to the Food Stamp Program. Most of these provisions were implemented on October 1, 2002.

Upon implementation of these regulations, federal eligibility for the Food Stamp Program will be restored for legal non-citizens that have been in the country for five years [P.L. 107-171, Title IV, Section 4401].

#### COST ESTIMATE

1. Costs or Savings to State Agencies: Savings of approximately \$19,819,000 in the current State Fiscal Year. Additional costs of approximately \$1,883,000 to Food Stamp Administration.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact exists because this regulation does not affect any local entity or program.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$2,691,000 in the current State Fiscal Year.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not school districts. There are “state-mandated local costs” in these regulations, which require federal and state reimbursement due to increased administrative costs under Section 17500 et seq. of the Government Code. However, the conversion of recipients from the California Food Assistance Program to the federal food stamp program will result in a significant savings to the state in providing benefits to this population. The local, state, and federal agencies share administrative costs. Increased costs in benefits are paid entirely by the federal government.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, and 18904. Subject regulations implement and make specific Public Law 107-171, Title IV, Section 4401 and the United States Department of Agriculture, Food and Nutrition Service, Administrative Notice 03-04 dated October 21, 2002.